

AMENDMENTS TO THE FEDERAL RULES
OF APPELLATE PROCEDURE

COMMUNICATION

FROM

THE CHIEF JUSTICE, THE SUPREME
COURT OF THE UNITED STATES

TRANSMITTING

AMENDMENTS TO THE FEDERAL RULES OF APPELLATE PROCEDURE THAT HAVE BEEN ADOPTED BY THE COURT, PURSUANT TO 28 U.S.C. 2072



MARCH 27, 2003.—Referred to the Committee on the Judiciary and
ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

SUPREME COURT OF THE UNITED STATES,
Washington, DC, March 27, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to submit to the Congress the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the order revising these forms are excerpts from the report of the Judicial Conference of the United States submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

WILLIAM H. REHNQUIST.

MAR 27 2003

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. That Forms 1, 2, 3, and 5 in the Appendix to the Federal Rules of Appellate Procedure be, and they hereby are, amended by replacing all references to "19__" with references to "20__".
2. That the foregoing amendments to the forms in the Appendix to the Federal Rules of Appellate Procedure shall take effect on December 1, 2003, and shall govern in all proceedings in appellate cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.
3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Appellate Procedure in accordance with the provisions of Section 2072 of Title 28, United States Code.



LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

December 11, 2002

MEMORANDUM TO THE CHIEF JUSTICE OF THE UNITED STATES AND THE
ASSOCIATE JUSTICES OF THE SUPREME COURT

By direction of the Judicial Conference of the United States, pursuant to the authority conferred by 28 U.S.C. § 331, I have the honor to transmit herewith for consideration of the Court proposed revisions to Forms 1, 2, 3, and 5 in the Appendix to the Federal Rules of Appellate Procedure. The Judicial Conference recommends that these amendments be approved by the Court and transmitted to the Congress pursuant to law.

For your assistance in considering these proposed revisions, I am transmitting an excerpt from the Report of the Committee on Rules of Practice and Procedure to the Judicial Conference and the Report of the Advisory Committee on the Federal Rules of Appellate Procedure.

Leonidas Ralph Mecham
Secretary

Attachments

EXCERPT FROM THE
REPORT OF THE JUDICIAL CONFERENCE
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:

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FEDERAL RULES OF APPELLATE PROCEDURE

Forms Revision Recommended for Approval and Transmission

The Advisory Committee on Appellate Rules recommended that the outdated references to the last century in four of the five forms in the appendix to the Appellate Rules be updated. The proposed revisions would substitute references to "20__" for "19__" in Forms 1, 2, 3, and 5. The advisory committee concluded that neither public notice nor comment is appropriate or necessary because the proposals are purely technical and do not substantively change the forms.

The Committee concurred with the advisory committee's recommendations.

Recommendation: That the Judicial Conference approve the proposed revisions to Forms 1, 2, 3, and 5 in the Appendix to the Appellate Rules and transmit these changes to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

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COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

ANTHONY J. SCIRICA
CHAIR

PETER G. McCABE
SECRETARY

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DAVID F. LEVI
CIVIL RULES

EDWARD E. CARNES
CRIMINAL RULES

JERRY E. SMITH
EVIDENCE RULES

DATE: May 21, 2002

TO: Judge Anthony J. Scirica, Chair
Standing Committee on Rules of Practice
and Procedure

FROM: Judge Samuel A. Alito, Jr., Chair
Advisory Committee on Appellate Rules

RE: Report of Advisory Committee on Appellate Rules

I. Introduction

The Advisory Committee on Appellate Rules met on April 22, 2002, in Washington, D.C. At its meeting, the Advisory Committee approved two sets of proposed amendments, one of which is now being presented to the Standing Committee, the other of which will be held and presented later as part of a group of proposed amendments. The Advisory Committee also agreed to continue to study a couple of controversial proposals, which I discuss below. Finally, the Advisory Committee removed several items from its study agenda.

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II. Action Items**A. Forms 1, 2, 3, and 5**

Four of the five forms in the appendix to the Appellate Rules refer to “the ____ day of _____, 19__” (Forms 1 and 2), “entered on _____, 19__” (Form 3), or “entered in this case on _____, 19__” (Form 5). At its April meeting, the Advisory Committee voted to replace all references to “19__” in Forms 1, 2, 3, and 5 with references to “20__.” This appears to be the type of technical change that does not need to be published for comment.

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